

REMARKS

Claims 14-18, 20-29, 35-36, and 40-41 are pending in the application. The amendments to claims 14-15, 17, 20-24, 35-36, and 40-41 are made merely to further clarify the claimed invention. Support for the insertion of “magnetic particle” can be found throughout the application, *inter alia*, claims 23 and 24 as originally presented, and paragraphs [0058] and [0096] in the instant Application Publication No. US 2002/0086443. No new matter has been inserted into the application.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 13-21, 32-36 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

The Examiner has indicated that the phrase “the first article being immobilized relative to a signaling entity that is immobilized relative to a binding partner” is indefinite. Applicant fails to see how this phrase is indefinite and would like further clarification as to the reason for the rejection. The sequence of binding is clear. The first article is immobilized relative to a signaling entity by linking through a binding partner to the signaling entity. The recited phrase appears to be definite in describing such a molecular arrangement. Therefore, again, Applicant respectfully requests the Examiner to withdraw this rejection.

Rejection Under 35 U.S.C. §112, First Paragraph

Claims 13-18, 20-21, and 42-43 have been rejected under 35 U.S.C. §112, First Paragraph as not being enabled by the specification. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

The Examiner states that the claims fail to recite a step of electronically analyzing the nanoparticle/colloids on the magnetic particles after magnetically attracting the magnetic beads to the surface of the locations. Applicant does not understand this rejection as the claimed invention can be carried out using a variety of signaling entities attached to the nanoparticle. For example, oligonucleotides or metallocenes or visual inspection may be used to practice the claimed invention. Therefore, the presently claimed invention may be carried out using a variety of different analysis methods, which is fully supported by the specification. Accordingly, withdrawal of this rejection is respectfully requested.

Claims Free of Prior Art

Applicant notes the Examiner's indication that claims 13-18, 20-29, 35-36, and 39-43 are free of prior art.

Allowable Claims

Applicant also notes that claims 22-29, 40 and 41 are in allowable condition. It is believed that the amendments to these claims presented herein, which are meant to provide further clarity to the claimed invention, do not in any way negate the allowability of these claims.

Conclusion

It is believed that the application is now in condition for allowance. Applicant requests the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. 502486 for any fees required under 37 CFR §§1.16 and 1.17 that are not covered, in whole or in part, by a credit card payment enclosed herewith and to credit any overpayment to said Deposit Account No. 502486.

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Respectfully submitted,

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